beneficial enactment is placed on the Statute Book. With these humble remarks, I commend this Bill for the acceptance of the House.

Motion put and carried

Clauses 2 to 31 put and carried

Clause 1 put and carried

Title and preamble put and carried

3. The Cochin Christian Succession Act (Amendment) Bill

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I beg to move that the Cochin Christian Succession Act (Amendment) Bill be referred to a Select Committee.

Mr. V. J. Mathai *(Planters):* I second it.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I think in the history of legislation in this State, there has been no Bill which has created so much of public interest as the one before the House. I should say millions of words have been spoken, millions of words have been written, several meetings have been held to protest against or support the Bill. The large volume of opinions received here is a clear testimony of the interest evinced by the people in this matter.

What I am going to submit is that the summary of opinions sent to the hon'ble members may be a little misleading. Firstly, they published a summary which was thoroughly misleading. If one goes through that summary he will be convinced that they have divided all these opinions into two categories, those fully supporting and those wholly opposing. And after correspondence with the Secretary, they published a supplement a week ago and I think the hon'ble members may have received it. There they have at my request classified the opinions into four groups those who are in complete agreement with the Bill, those who fully oppose, those who partially support the Bill, *i.e.*, those who say that the share should be increased to half the share of the son, and those who want an increased share to be given to the daughter from the mother's estate. Now I am going to analyse the opinions received and their number. In the summary published, they have shown the numbers supporting and opposing the Bill. According to Mr. Devassy about 565 people oppose the Bill, while only 29 support it.

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Mr. M. K. Devassy *(Adur):* Some ladies also in addition to the above.

Mr. A. V. Moothedan *(Chalakkudi):* How that number 565 was arrived at, I will explain.

Mr. P. Govinda Menon *(Mulakunnathukavu):* How many supported?

Mr. A. V. Moothedan *(Chalakkudi):* I will come to that by and by. Before we analyse these figures I have to enunciate two principles for our guidance in this matter. First of all, if husband and wife are of the same opinion that may be considered as one opinion. If they hold different opinions, of course then they may be considered as two.

Mr. P. Govinda Menon *(Mulakunnathukavu):* So you are against adult franchise? *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* If the husband and wife take one view, that view may be taken as from one person. According to law husband and wife are one. That is my first proposition.

Mr. Popatlal Goverdhan Lalan *(Industries and Commerce):* And children?

Mr. V. J. Mathai *(Planters):* Is it the husband's view, or the wife's view?

Mr. A. V. Moothedan *(Chalakkudi):* It should be the view of either.

Now to resume the trend of my argument, the second principle I have to enunciate is, if an association or club gives an opinion, that opinion must be counted according to the number of members constituting that association or club. For example, there is the Y. W. C. A. a world famous association. If that association consists of 200 members then their opinions should be taken as coming from 200 persons. In the light of these two observations.....

Dr. T. Verghese *(Chief Medical Officer):* Y. W. C. A. has not supported it.

Mr. A. V. Moothedan *(Chalakkudi):* Yes, they have supported. I wish the hon'ble members only to look into their opinions.

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Dr. T. Verghese *(Chief Medical Officer):* Y. W. C. A. has not supported the Bill.

Deputy President: Is it a fact that Y. W. C. A. has not supported the Bill. Dr. Tharian says so.

Mr. A. V. Moothedan *(Chalakkudi):* I have got Mrs. Tharian's opinion here. I will read it.

Dr. T. Verghese *(Chief Medical Officer):* It may be individual opinion.

Mr. A. V. Moothedan *(Chalakkudi):* No. The Y. W. C. A. has supported the Bill.

Mr. P. Govinda Menon *(Mulakunnathukavu):* I may point out that there are persons who oppose the Bill, who are against giving full share to women but only wish to continue the existing law, in such cases when one woman gives an opinion that is only one-third of an opinion. When they oppose this Bill they are only for the old Bill. Calculating on this basis when thirty women oppose count it as ten only. *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* Now, Sir, so far as the opinions are concerned, we can classify them into four. First of all those who fully support, then those who fully oppose, then again those who favour giving half the share of a son to the daughter, and lastly there is the fourth opinion, those who favour giving to the daughter a greater share in the mother's estate instead of in the father's estate. That is to say a daughter may be given three times the share of a son in the mother's estate. Thus there are four definite sets of opinions given on the Bill. I shall just read a few interesting opinions.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* You may kindly analyse the reasons given. We are more concerned with the reasons than the numbers.

Mr. A. V. Moothedan *(Chalakkudi):* Out of the 29 who have supported the Bill, I shall read the opinion of the Bishop of Cochin. The Secretary to the Bishop has written :—

"The proposal to amend the Cochin Christian Succession Act providing equal shares to a son and a daughter in the matter of intestate succession may

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be carried out; however the dowry that might have been given to the daughters should be taken into account whenever the partition is made."

This is a Catholic Bishop.

Then I shall read the opinion of Mrs. Joshua, a leading political minded lady at Trichur. Unfortunately or fortunately at the last elections, I had occasion to oppose her.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Is that the qualification? *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* This is her opinion:

She says "I am in full agreement with the objects and reasons of the Bill. It is only fair that a daughter gets as much share as a son gets of an intestate father.

I am surprised to find that some members of the Legislative Council are apprehensive that on giving effect to the proposed amendment the Christian family will be disrupted. I fail to understand the reasonableness of the argument. Brothers often live separately, after the death of the father, partitioning the properties earned by the father. If disruption can be allowed to that extent, I cannot understand why the sisters should be denied the right and the privilege of sharing the properties of the father with the brothers.

For the general progress of women it is necessary that they should have equal rights and opportunities to own and to inherit property on the same terms as men. The All India Women's Conferences have for the last many years passed resolutions demanding recognition of equal claims for women to inherit ancestral properties as men.

Even if the amendment is brought into effect I fear that it will not do much good to women as section 22 of the main Act disinherits a woman to the property of the intestate, if a *sthreedhanam* is given or contracted to be given, etc."

This is her opinion. Please remember this is the opinion of a leading political minded lady.

Then there is also the opinion of another Bishop, the Independant Syrian Sea of Malabar. That Bishop writes:

"I entirely agree with the objects of the Bill as it is my considered opinion that the daughter is entitled to have an equal share with the son in the matter of intestate succession."

Mrs. C. J. Mathew, the wife of our Secretary, also supports the Bill.

Mr. V. J. Mathai *(Planters):* Therefore our Secretary also supports the Bill. *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* Not only that, the Ernakulam Catholic Women's Association also supports the Bill. This Association has about 100 members. This is their opinion:

"Resolved at a meeting of the Ernakulam Catholic Women's Association by a majority of votes that the general principles underlying Mr. Moothedan's Bill is acceptable."

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Then again one Mr. T. D. George, retired Headmaster, C. M. S. High School, Trichur, quotes profusely from Bible and Shakespeare. He says.—

> "I am familiar with the arguments advanced on the other side. Most of them will not hold water and not a few are tainted with selfishness. Shakespeare's lines come to one's mind.—
>
> "Blow, blow thou winter wind;
> Thou art no so unkind
> As man's ingratitude".
>
> The English man's complaint,
>
> "My son is my son till he gets him a wife,
> My daughter is my daughter all the days of her life"
>
> seems to be capable of wider application."

So when the son is married, gone. But the daughter is always a daughter.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Once a daughter always a daughter *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* Then Mr. P. V. George, Advocate, Cranganur, also supports the Bill. The Advocate Miss Kunjalia and Sreemathi Parayil Elikkuty also support the Bill. I will now read the interesting view of Mrs. C. V. Iyyu. It is highly interesting. I shall read.

"നിങ്ങൾ ഫെബ്രുവരി ൨൭-ാംന- അയച്ച കത്തും കൊച്ചിൻ ക്രസ്ത്യൻ അവകാശക്രമ ആക്ട് (ഭേദഗതി) ബില്ലിന്റെ പ്രതിയും കിട്ടി നന്ദിപറയുന്നു. ടി ബില്ലിനെ സംബന്ധിച്ചുള്ള എന്റെ അഭിപ്രായം താഴെ ചേർക്കുന്നു.

ഞാൻ ബ്രിട്ടീഷ് മലബാറിൽ ജനിച്ചുവളർന്നിട്ടുള്ളതാണു്. ബ്രിട്ടീഷ് മലബാറിലെ റോമൻകത്തോലിക്കരും അല്ലാത്തവരുമായ ക്രസ്ത്യാനികൾ കൊച്ചിയിലുള്ള ക്രസ്ത്യാനികളായിട്ടാണു് അവരുടെ ജില്ലയുടെ പുറത്തുള്ളവരുമായി ഉള്ള വിവാഹബന്ധങ്ങൾ അധികം നടക്കുന്നതു്. പ്രത്യേകിച്ചു ബ്രിട്ടീഷ് കൊച്ചി, പൊന്നാനി താലൂക്കു് എന്നീ സ്ഥലങ്ങളിലുള്ള ക്രസ്ത്യാനികൾ കൊച്ചി രാജ്യത്തുള്ളവരുടെ യഥാർത്ഥ സഹോദരന്മാരും ഒരേ ഒരു സമുദായവുമാണു്. ലത്തീൻ ക്രസ്ത്യാനികളും സുറിയാനിക്കാരുടെ എല്ലാ വിഭാഗങ്ങളും അതുപോലെതന്നെയാണു്. പലപ്പോഴും മതാദ്ധ്യക്ഷന്മാരും പീലേടങ്ങളിൽ ഇടവകകൾപോലും ഒന്നാണു്. രണ്ടുതരം അവകാശക്രമനിയമങ്ങൾ ഒരേ സമുദായത്തിൽ നടപ്പുള്ളവിധത്തിലാണു് ഇപ്പോഴത്തെ ഇരിപ്പു്. സാമ്പത്തികമായി യാതൊരു കുഴപ്പവും ബ്രിട്ടീഷിലെ ക്രസ്ത്യാനികൾക്കു ഇൻഡ്യൻ സക്സഷൻ ആക്ട്കൊണ്ടു് ഈ കാലംവരെ വന്നിട്ടില്ല. കൊച്ചിയിലും ഇപ്പോൾ ശ്രീ മൂത്തേടൻ വിവക്ഷിച്ചിട്ടുള്ള ഭേദഗതി ബിൽ പാസ്സാകുന്നപക്ഷം യാതൊരു സാമ്പത്തിക കുഴപ്പവും വരാനില്ല. കൊച്ചിയിലുള്ള എന്റെ സഹോദരികൾ ഈ ബില്ലിലെ വ്യവസ്ഥകൾ പാസ്സായി കിട്ടുന്നതിനു മതിയായ പ്രക്ഷോ

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ഭണം നടത്താത്തതിൽ അതൃപ്തിപ്പെടുന്നു. ബില്ലിനെ ഞാൻ ഹാർദ്ദമായി സ്വാഗതംചെയ്യുകയും ചെയ്യുന്നു."

Then comes the opinion from the Secretary, Y.W.C.A., Miss Sosa Mathew writes.—

> "I beg to inform you that I am in full sympathy with the Cochin Christian Succession Act (Amendment) Bill introduced in the Legislative Council by Mr. Moothedan and wholeheartedly support the Bill".

Dr. T. Verghese *(Chief Medical Officer):* That is only her personal opinion.

Mr. A. V. Moothedan *(Chalakkudi):* That is a personal opinion. Please wait a minute. I shall give the opinion of the Y.W.C.A. The Secretary of the Y.W.C.A., Ernakulam,writes.—

> "Sir, at a full meeting of the general committee of the Ernakulam branch of the Y.W.C.A., held on Monday, 23rd June, under the presidentship of Mrs. T. Verghese, we discussed the Cochin Christian Succession Act (Amendment) Bill introduced in the Council by Mr. A. V. Moothedan and I am authorised to inform you that we are in full sympathy with the Bill." *(Laugher).*

Mr. V. J. Mathai *(Planters):* Now the Chief Medical Officer must withdraw his statement.

Dr. T. Verghese *(Chief Medical Officer):* Yes. I withdraw my statement.

Dr. A. R. Menon *(Minister for Rural Development):* Is there not some 50 ladies taking a hostile attitude from Trichur side? I was told like that, I think.

Mr. A. V. Moothedan *(Chalakkudi):* Yes, I will come to that. These are the 29 opinions received for the Bill. These include the opinions from the Catholic Ladies' Club, the Catholic Women's Association, the Y. W. C. A., with a membership of 300 to 400 and from several educated people also. I submit due weight should be given to the opinions of these organisations. Then there are the weighty opinions of the two Bishops also recommending equal shares.

I have to speak a word about Ollur. Ollur is a good Christian centre. The people there are under a mistaken notion. They have misunderstood the whole provisions of the Bill. Of course, there are several spirited young men there and if they are told the truth they won't oppose the Bill. This is very clear from the report of a meeting published in the Malabar Mail, dated 27th Meenam 1116. One member opposing the Bill is speaking like this.—

"ഈ ബിൽ പാസ്സാക്കുന്നതു് ക്രസ്തീയകുടുംബങ്ങളുടെ സ്വാസ്ഥ്യത്തിനോന്നമനത്തിനും നിലനില്പിനും കണ്ണുകോടാലിവെക്കുന്നതിനു സമമായിരിക്കും. സാധാ

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രണക്കാരനായ ഒരു പിതാവിന്റെ തന്റെ മകളെ തന്റെ നിലക്കു ഒരുവിധം യോജിച്ച ഒരുവനെക്കൊണ്ടു് വിവാഹം കഴിപ്പിക്കണമെങ്കിൽ അവന്റെ സമ്പ്രദനവും സ്വന്ത പാപ്പിടവുംകൂടി പണയമെഴുതി സ്ത്രീധനം കൊടുക്കേണ്ടിവരുന്നു. അതിനശേഷം പിതാവും മകനും അത്യദ്ധാനംചെയ്ത ഒരുവിധം ആ കടം തീർത്തു അല്പം മുതൽ സമ്പാദിച്ചു എന്നു് വിചാരിക്കുക. ഈ ഘട്ടത്തിൽ പിതാവു് മരിക്കുന്നപക്ഷം നമ്മുടെ ബില്ല് തന്റെ സ്വത്തും വീതിക്കുകയാണെങ്കിൽ മകന്റെ നില എത്ര പരിതാപകരമായിരിക്കും."

There is no mistake in the law. The law says, if the dowry is given a daughter is not entitled to any share. So these facts have to be taken into consideration. There are 30 opinions against the Bill from the Ollur, all based upon a misconception. If only they are made to understand the correct implications of the law, they would not have held such views.

Then again our lady member in this House also enthusiastically supports the Bill.

Dr. A. R. Menon *(Minister for Rural Development):* What about Trichur ladies' opinion ?

Mr. A. V. Moothedan *(Chalakkudi):* We have got a *nalvazhi* or *peredu* book received from Trichur side presented by three ladies. There you may be pleased to find about 100—105 signatures against the Bill. The persons who forwarded the *nalvazhi* are Mrs. M. A. Chacko, Mrs. N. O. Inasu and Mrs. A. P. Antony. They and their husbands have given their opinions against the Bill. According to my theory the opinions of husband and wife could be considered only as one. Thus I think there is duplication of opinion, *(laughter)*. Many of the signatures are simply "cross marks". That shows that they are not able to sign even. They are most illiterate. If the House wants I can get 2,000 signatures like this. People with education can sign. But here only cross marks are put. I think they are all illiterate people.

Mr. P. Govinda Menon *(Mulakunnathukavu):* That shows that they oppose the contents of the communication, *(laughter)* with cross marks. People like Mrs. A. P. Antony, Mrs. M. A. Chacko etc., might have made these people to put these cross marks. That is very clear.

Mr. C. R. Iyyunni *(Trichur-South):* May I know, whether there was anybody who has stated anything in favour of the Bill in that list ?

Mr. A. V. Moothedan *(Chalakkudi):* The hon'ble member can go through this list and may judge it for himself.

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Mr. C. R. Iyyunni *(Trichur-South):* Of course it would appear that out of the 104 ladies or so who recorded their votes, 102 are against the Bill and two for the Bill.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: കുറെ കുറിയ്ക്കു വരച്ചിട്ടുണ്ട്.

Mr. C. R. Iyyunni *(Trichur-South):* If all these ladies had signed against the Bill I can understand your argument, that some sort of influence was exercised in getting their signatures against the Bill. But when the list contains the opinions of people who are against the Bill and also in favour of the Bill, I cannot understand your argument.

Mr. A. V. Moothedan *(Chalakkudi):* These 102 people have put "വേണ്ട", "വേണ്ട" and all these *vendas* appear to have been written by the same hand.

I do not want the Christian families to be disrupted. Those who do not want to give equal share to their daughters, let them write a will. In fact, according to the Canon Law, it is the duty of a Christian father to write a will. If there is any doubt in the matter, it may be referred to the Archbishop of Ernakulam or the Archbishop of Verapoly. They are the authorities on the Christian religion. I tried to gather their views on this Bill. They say that they do not interfere in the matter. To them sons and daughters are the same and they do not mind whether the daughters are given an equal share or one-third share.

The law in Travancore is that a daughter gets $\frac{1}{4}$ share of a son subject, however, to a maximum of Rs. 5,000. The argument advanced is that if this law is passed, all the assets in Cochin will be carried away into Travancore. Now the law as it stands here is different from that obtaining in British Malabar and Travancore. In British Malabar the Christians are subject to the Indian Succession Act. I may say according to the Indian Succession Act, if a Christian dies intestate, the sons and daughters get equal shares. In Cochin also we want to make the same provision. If the same law is enacted here also, I am sure Travancore is bound to follow us and they will as a matter of course follow us. I know certain Christian ladies in Alleppy have given support to my Bill. Therefore it is clear that the opinion in Travancore also is favourable to me. The argument that if this law is passed here and as there is no corresponding law in Travancore, the assets will flow to Travancore cannot hold good. The lady member has rightly observed that now the assets from British Malabar are flowing into Cochin, since the daughters there are getting an equal share as that of a son. The several Womens' Associations in Cochin have given support to my Bill. The Cochin Branch of All India Womens' Association

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also has given its support to the Bill. For these reasons I do not think that there is any justification in opposing the motion now made by me. There are four solutions to the question. Either give the daughter the full share or half share or a greater share in the mother's estate. The Select Committee may go into the questions in all its details. Personally I have no objection to consider any suggestion. With these few words I commend the motion to the acceptance of the House.

Mr. C. V. Iyyu *(Kunnamkulam):* I am not against sending the Bill to a Select Committee. This Bill has created a lot of stir in the community. In my constituency of course there are different sections of Christians. The opinions received from them is very divergent, and from no other place you will find such difference of opinion. In certain meetings they have advocated three shares for the daughters' in the mother's estate. In certain meetings the people are for equal shares and in some other meetings the people are against the Bill. Some gentlemen and ladies of my constituency have given divergent opinions. Mrs. C. C. Mathew, an enlightened America returned lady is opposed to this measure. On the other hand Mr. C. C. Mathew, a Ph.D. of the Chicago University and the head of an educational institution supports the Bill. Mrs. Mathew is not willing to give equal share with the son for the daughter. The prevailing opinion in my constituency is that a large majority of the people I have met and discussed are for giving greater share to women in the matter of succession to the estate of the intestate mother than to the son and continue the same ratio in the case of the intestate father's estate. For giving equality to women there is absolutely no necessity for giving equal shares in the estate of the intestate parents. If three times the share of a son is advocated in the estate of an intestate mother, we can establish the principle of equality of the right of succession in the case of man and woman. Kindly note section 6 of the Cochin Christian Succession Act. That section says that a man's father is considered to be his nearest relative. My friend Mr. Moothedan has not given an amendment that a daughter's nearest relative, if she is unmarried, is the mother. He has not included such an amendment. This Bill may or may not be referred to a Select Committee. I am not giving any opinion now. Of course, my wife may have a different opinion. I may or may not agree with my wife. In the case of the Hon'ble Member for Trichur he and his wife have disagreed.

Mr. E. Ikkanda Warriar *(Cheruthuruthi):* Disagreement in politics is the order of the day.

Mr. C. V. Iyyu *(Kunnamkulam):* It is not a question of agreement or disagreement.

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Mr. P. Govinda Menon *(Mulakunnathukavu):* So this Bill disintegrates families.

Mr. C. V. Iyyu *(Kunnamkulam):* In the matter of disagreement between myself and Mrs. Iyyu there are nobody to suffer. In the case of others, children will suffer. I may also add that as far as my limited knowledge of the Christians in the southern division, their custom as in other places is generally to allow the property of the mother go to the daughter. Generally that is the custom from time immemorial. When the mother dies even all the movable properties are taken away by the daughters and the sons do not complain.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* If you are for sending the Bill to a select committee, then why should you speak all this at this stage.

Mr. C. V. Iyyu *(Kunnamkulam):* The Bill should not be hurried through. It may be referred to a Select Committee.

Mr. P. Govinda Menon *(Mulakunnathukavu):* He should express both the opinions of his constituency.

Mr. M. K. Devassy *(Adur):* Mr. President Sir, I oppose the motion for referring the Bill to a Select Committee. One thing has to be made clear before the House. This House will have to decide whether the Bill if passed and if placed in the Statute Book will be in favour of ladies or against them. I think that the object of the Bill is to favour Christian ladies. If that is the object I will convince you that the result of the Bill will be to disfavour them and practically to disinherit them. The law as it stands now gives absolute right of property to the father. Either the son or the daughter has no right so long as the father is alive. They get the right either by testate or intestate succession. If it is a matter of testate succession then this House will have to go deeper into the question as to the tendency now existing in the community. In other words as long as the father enjoys the liberty to dispose of his property as he likes, unless the law that is going to be enacted is in conformity with the tendencies existing in the community, it will be the father's interest to keep up his tendency against the law which you are going to enact. In other words suppose you are going to enact a law that a daughter should get double the share of a son then a christian father who believes in giving a smaller share to the daughter, if it is possible for him will be all the more vigilant in leaving a will disinheriting the daughter and making affairs perfectly alright before his death.

Dr. A. R. Menon *(Minister for Rural Development):* He can leave a will even now.

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Mr. M. K. Devassy *(Adur):* My submission before the House is that it is the duty of the House to examine the existing tendencies in the community and whether the Bill, if enacted into law, will be repugnant to the tendencies and tastes of the Christian community in order to drive the Christian fathers to disinherit the daughters and leave them helpless. It is admitted even among the opinions which are given in support of the Bill that it is absolutely necessary that you should take away the power of the father to write a will. They are perfectly right in thinking so. It is only if the father is not at liberty to do according to his own will and pleasure, that you can expect any advantage to accrue from this Bill. If, on the other hand, in an optional legislation you want the real result of the law to be carried into effect, then, the only method will be to so adjust the law according to the tendencies of the community as to enable them or to induce them to act in such a manner that they are not compelled to go against the law. As long as this House is not convinced that the tendency of the Christian community is in favour of giving equal share to the daughter as that of the son, then I say this House will be doing a positive disservice to the women by supporting this Bill.

Sir, I refer to paragraph 5 of the points against the Bill. It says, "The existing law has never stood in the way of any parent making over a decent portion of his property to his daughters. No parent has ever cursed the law that it does not allow his daughters to inherit more than one-third of the son's share. Ninety-nine per cent of the parents who die testate show unmistakably by their wills that the sons are entitled to a bigger portion and the daughters should inherit only a smaller portion, as they are definitely transferred over to another family by their marriage....." It is a custom, a tendency, existing in that community for a long number of years and hence they are never inclined to give their daughters a share equal to that of a son. If you examine wills executed by Christian fathers I dare say that you cannot come across 5 per cent of the wills in which a daughter is given an equal share. I should not be misunderstood in opposing this Bill as an opponent of the Christian daughters. I only sympathise with Mr. Moothedan for the mistaken view he has taken of the real result when this enactment comes into law. The law in Travancore is that a daughter is entitled to $\frac{1}{4}$ share of a son and that up to a maximum of 5,000 rupees. Here she gets $\frac{1}{3}$ without any limitation of the maximum. The result of this Bill will be that more of Cochin money will be flowing into Travancore.

Mr. P. Govinda Menon *(Mulakunnathukavu):* Even now it is so.

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Mr. M. K. Devassy *(Adur):* You are only taking into consideration $\frac{1}{3}$ and $\frac{1}{4}$.

Mrs. Thankamma N. Menon *(Ernakulam-Women):* What about the British money coming into Cochin? In British India they have got a greater share.

Mr. M. K. Devassy *(Adur):* What will be the percentage of marriage alliances with British India? If you examine the figures you can know that the marriage alliances contracted with British people are very small in number. The marriage connections among Christians are the maximum between Cochinites and Cochinites. Then comes Travancore and then comes British India. That is the position so far as I know.

Dr. T. Verghese *(Chief Medical Officer):* I think it is right.

Mr. M. K. Devassy *(Adur):* These are important aspects, and when all is said and done, there is one characteristic feature about the Christian community. It is always the son who is considered as the very hope of the family. It is the son who co-operates in the father's efforts and who contributes to the family property and it is he who takes the burden of the family on his shoulders. But in some other communities you keep the daughter along with you in the same house and she shares all the comforts and troubles of the family. In the case of the Christian community, after the death of the father, the son has to perform marriages, funerals even by borrowing in which the daughters have no share. It will be the experience of many that while the daughter will be enjoying the cosy bed in her husband's house, the son will be toiling in his father's house. It will be the son's duty to do everything and the daughter will be arriving only at the 11th hour to participate in the ceremonies. These difficulties which confront the son are not known to the daughters. It is only natural, therefore, that when customs are such, when daily experiences are such, that all fathers entertain a tendency to give the sons more. Those who expressed their views in support of the Bill argue that the result of the Bill will be to abolish the dowry system. We have to examine whether that view is correct. What is the position now? If you enhance the share of the daughter then the amount that will be covered by the dowry is naturally increased. The man is not certain whether after the marriage his wife will be disinherited or not. If I am going to marry a girl who may be getting a share of Rs. 5,000, then, naturally, I will be demanding from her father a dowry equal to Rs. 5,000.

Mr. V. J. Mathai *(Planters):* That is the position even now.

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Mr. M. K. Devassy *(Adur):* This will increase the dowry as you are increasing the daughter's share—possible share. The fathers will have to give an amount more than the share of a daughter, because the husbands will be entertaining a suspicion that after the marriage the father will be disinheriting the daughter.

Then again my friend Mr. Moothedan was speaking about the figures. I have taken some pains in calculating the figures. The total number of people who have expressed their views in support of the Bill is only very limited when compared to the opponents. Taking matters as they are the figures are like this. 565 in favour of the Bill plus the 104 ladies of Trichur thus making a total of 669 as against 29 who have given their views in support of the Bill. I am prepared to add the members of the several clubs and associations such as the Y.W.C.A., etc. Even there, we are not in a position to know by what overwhelming majority it has been passed. Assuming that all the members of the Y.W.C.A. have taken part in voting, their strength is only 85. They are mostly students, and it is for this house to consider what value is to be attached to such signatures.

I wish to dispel one thing from the mind of the Hon'ble Member for Chalakkudi. I do not for a moment propose to praise those who have opposed this Bill or to condemn those who have given their support to the Bill. As Burke posts it in his work on French Revolution, there are certain times in the history of nations when the crooked pin and the rusty nail shoot up into prodigies. That is an accident of history. Nevertheless, it is not my purpose to cast aspersions on those who have opposed the Bill or supported it. We have to be guided by principle and being guided by the principle this House will find that the supporters of this Bill cannot stand comparison with the opponents of the Bill. Before I close, Sir, I wish to bring to this House one more fact, whether those who sit in this House support or oppose the measure, we have to respect some conventions and we have to attach some weight to the machinery which this House has set in motion when they agreed that the Bill may be circulated for eliciting public opinion. In doing it this House is bound to be guided by the majority opinion of that community. This House in lending its support to the creation of such a machinery had thought that it will abide by the views of the public, and unless we are to respect the results of that machinery, I do not for a moment think that we were justified in voting for circulation.

Mr. V. J. Mathai *Planters):* Are you going to be guided by the majority opinion?

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Mr. M. K. Devassy *(Adur):* We should be guided by reason. It is our duty to respect the views of the opinion received on account of the motion passed in this House. Otherwise we are not justified in voting for it; otherwise we condemn a popular machinery which we have set in motion. I hope that these observations will be considered by the House in coming to a decision on this matter.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* Sir, I have very great pleasure in supporting this Bill. Some 21 years ago, when the Christian Committee was going into this question of testate and intestate succession, I was one of those members who appeared before the committee and contended that daughters should be given an equal share with sons. At that time a few of the members of the committee agreed with my view. Dr. Mrs. Francis had submitted a memorandum to that committee, and I still recollect the remark in the report of the committee, that a memorandum like that shed "angelic light" upon the subject. The Chairman of the committee was Mr. P. I. Verghese, and he favoured the view of equal share for daughters, with sons in intestate succession. The late Mr. M. A. Chacko was not for it, while Mr. V. D. Ouseph was for it. Father Michael Nilavareth, another member of the committee was also for it. But, unfortunately, Sir, darkness closed upon that "angelic light". A sort of compromise was arrived at according to which it was arranged that a share equal to 1/3 of that of a son must be given to a daughter. And now 21 years have passed, I think it is high time that the principle of giving daughters greater share is taken up. A long time has now passed. It is highly necessary that steps should be taken to implement it. The status of woman has risen, the position of woman has advanced in all walks of life and still we are not progressing in this important matter. About the Bill itself, I should like to refer to a wide-spread mis-apprehension. Somehow or other the impression has been created that as soon as the Bill is passed, the daughter in all cases will have to be given an equal share with the son. This is really a wrong impression that has gained ground. It is not in every case that a daughter is going to get an equal share with her brother. It is only in case where the deceased has left no will that the Bill applies. Fathers are now generally anxious to make a will as it has already been pointed out. Therefore the number of cases contemplated by the Bill will be rare. The first and foremost thing, therefore to bear in mind is that only in cases of intestate succession, where the father does not leave a will, this question arises. It has been pointed out by Mr. Moothedan that the Canon Law enjoins upon every Catholic father to leave a will. Thus the number of cases of intestacy will be small.

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Secondly, by section 21 of the Succession Act, those cases in which the daughters have received *Streedhanam*, no more share is to be given to them even if no will is made. How many instances will therefore be which come under the purview of this Bill? Again much calamity is imagined by those who oppose this measure. Are families going to be ruined by this? It will be only in comparatively few instances that this measure will come into effect. Personally I should think, Sir, that the present provision in the Act, namely, giving only $\frac{1}{3}$ share to the daughter is really an un-christian provision in a Christian law. Why this discrimination? The daughter's right is a natural right. Therefore, looking from the point of view of natural justice, the principle of the Bill is correct and the opposition is quite unjustifiable. Let the daughter have equal share with the son. That is a sound principle, and it is wrong to oppose it and impose a disability upon the daughter owing to a difference for which she is not responsible.

Then again, for one reason, I would like to give a share, even more than that of the son. I refer to page 9 of the Summary of Opinions that has been provided. Para 9 reads as follows.—

"According to the Christian conception of creation, man has priority over woman who was created from the body of man. The Christian religion has always given superiority to man over woman who is regarded as the weaker sex requiring protection and support from man. Hence it is only natural that man should inherit a larger share than woman."

Take that argument. It enjoins upon man to give his protection to woman, because she is of the weaker sex. For this very reason I urge that a greater share than is due to a son should be given to the daughter. *(Laughter.)*

Dr. A. R. Menon *(Minister for Rural Development):* That is more logical.

Mr. L. M. Pylee *(Latin Christians-Ernakulam):* But to that extent, I do not press.

Sir, now what are the objections that have been raised? I ask the hon'ble members of this House, whether Christian families are going to be ruined by this measure? What is the phenomenon, what is your experience, I ask. How many rich Christian families of the past have been ruined by other factors? How many aristocratic families are now reduced to misery and distress? How many coolies from among the once aristocratic families of the Christian community are now working in firms and factories and other places? How many poor Christians, members of once rich families are now struggling for existence? Do you mean to say that this was all due to the daughters having been given equal shares with the sons? To

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say that giving equal share to daughters with the sons in intestate succession will ruin Christian families is a myth, and nothing less than a myth. Even if this Bill is not enacted, the aristocratic families of Christians may become, within two or three generations, merely a collection of coolies and wage-earners. I therefore characterise the fear expressed as mere myth.

Then, customs and usages. For violating customs and usages, if there is necessity, what better examples than ourselves can be found? *(Laughter.)* Again suppose there are certain customs in a particular area, say, for example, Travancore. Money is going to Travancore in so many ways even otherwise, and even granting that some money will go to Travancore by this Bill becoming law, why should we object to it and exhibit such narrow mindedness? If I remember right a few days ago there was an article in the "Malabar Mail" by Professor Sankaran Nambiyar. It was to the effect that Kerala must be considered as one house having three rooms and not as three houses, Cochin, Travancore, and Malabar. The rule Cochin for Cochinites, Travancore for Travancoreans and Malabar for Malabarees should be done away with.

Again, since there is a law in British India for giving equal share to the daughter, if we enact the same law here too, it is quite likely that it will be enacted in Travancore also.

And then one point which Mr. Devassy raised was that this Bill will do a great harm to the daughters. As soon as the Bill is passed, the fathers will make wills disinheriting their daughters, so says Mr. Devassy. Why should the fathers be so revengeful upon the daughters? Why should they disinherit them? We cannot understand the reasoning that by this Bill a father will be more induced to disinherit his daughter.

I have heard several people remarking that this Bill must be supported. Because, even if the Bill is passed, fathers can make their own wills, bestowing their property as they pleased. So the amended law can have only a nominal effect. Again, if it is thought that it is opposed to the wishes of the community and its salutary customs, every father who thinks so can resort to making a will in order to safeguard his family interests against the alleged disastrous consequences of the Act.

Now, as to the figures of signatures. If you are going to be guided by such figures alone, what can be said? A number of women have signed by putting a mere cross for their signature. We, Christians make the sign of the cross when we see a danger. So these women also must have thought like that when they were approached for signatures. *(Laughter.)*

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Mr. V.J. Mathai *(Planters):* Sir, I rise to supplement certain points. I will begin by saying that if the convention is that the opinion of the majority should prevail, then I immediately point out that the majority of the Christian members do support it. And, if we take it that the Lady Christian Member here is speaking for the Christian Ladies of the Cochin State, then we can very well assume that we have got the full support of the ladies as well in this matter. We need not attach very much importance to these signatures shown here.

Now I pass on to more weighty considerations. According to the Christian Succession Act, the word "intestate" applies to both man and woman. We have been arguing that it applies to the case of the properties of the father. Now in the opinion expressed we find that women are mostly for the Bill and men are against it. The word "intestate" applies to man as well as woman. Suppose a mother has left property without leaving a will. The Act governs such a case too. I now argue, are not the views of the ladies more important in the case of property left by ladies? My point is that it is not enough if you take the opinion of the male members alone. How will the mother like this? So long as the law stands, as it is, the opinion of the woman members are equally important.

Now secondly it is natural that both man and woman should have equal shares. Mr. Pylee has dealt with that aspect of the matter in full detail. I only wish to supplement it. Take the case of a father who has died leaving one son and five unmarried helpless daughters. Suppose he has left properties worth Rs. 8,000. The son gets 3,000 rupees and each of the daughters get 1,000 rupees according to the present law. These daughters have to be married away. They have to be educated. They want jewels, and the expenses of the marriage have to be met. Do you mean to say that the brother will have the same affection for his sister as the father for his daughter? Therefore my point is that it is not only just and equitable that they should have an equal share in the father's and mother's property, but according to me they ought to be given a double share than that of the son. I may ask the hon'ble members whether we are living in the mars and in the moon. If you look at the vast majority of the other communities that live around us you will see that they all follow the principle of equal distribution of property between sons and daughters. In fact I will say that the complete dominion of the property in the Nayar community is vested in the females. Therefore my argument is that we are only coming into line with the other people around us. I may just say for the information of the House that the law for the whole of the Christian population in British India is as laid down in the

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Indian Succession Act. That Act has been taken to be the law applicable to communities which are not governed by any special law here. The vast majority of the Christians throughout India have accepted the principle embodied in this Bill. The only place where this is not accepted is Cochin and Travancore, and if we are to accept the provisions of the Indian Succession Act, I am sure Travancore will also sooner or later fall into line with this.

One other important matter which I want to bring to the House is with regard to the dowry system. Now, as it is, do you know the amount of worry to which these Christian fathers are put to? They have to find money for the marriage of their daughters. For that they have to mortgage their assets. They have to beg, borrow or steal on account of this pernicious dowry system. The provisions of the Bill, if accepted, will go a long away to do away with the pernicious system of dowry.

Mr. M. K. Devassy *(Adur):* By this Bill !

Mr. V. J. Mathai *(Planters):* The pernicious dowry system will go away in this way. The sons-in-law will think that they are entitled to get a share for their wife and they won't be very keen on dowry. These are arguments for the Bill. It is only equitable to bring our law into line with that obtaining in British India and also with the other communities that surround us. I am sorry that Mr. M. K. Devassy, the ex-leader of the progressive party is not a progressive regarding this measure.

I don't know whether these petitions were like Panchayat Road petitions. Nobody can say anything unless you take a referendum. Even then I don't think it will be conclusive. You say majority. Will one thousand asses make one lion?

Mr. M. K. Devassy *(Adur):* There are no asses here.

Mr. V. J. Mathai *(Planters):* I am referring to the kingdom of the beasts. Coming to the human kingdom suppose 1000 fools are thinking that they should walk on their heads and one wise man thinks that he should walk on his legs. Do you mean to say that because thousand fools think so it is the proper thing? Why? Christ was crucified for his opinions. The majority were against him. Do you mean to say that Christ was wrong? There is no meaning in saying that the majority opinion is such and that we should follow it. If there is reason in it accept it. Otherwise reject it.

The other argument is Cochin money will flow into Travancore. I have told this House that a vast majority of Christians are living in British India. As I have showed to this House, by this dowry

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system the daughters get more than their share. The dowry is to be paid not at the death of the father but before that, and the sons get their shares only at the death of the father. Therefore, there is no meaning in saying that all the moneys will flow away into Travancore. The other point is that a son is working in the family. But very often you will find that the son is destroying the father's property. In all cases you will find that the son and his children and wife are maintained by the father's property, while he is working with the father. The daughter is married and she goes away. Therefore, there is a *quid pro quo* for the son if he works with the father. Further on the father can leave something for the son by a will. If the son is useful to the father he will surely leave something. For these reasons I support the Bill.

*Mr. M. L. Joseph *(Latin Christians-Cranganur):* Mr. President, Sir, I prefer to belong to the class of crooked pins and rusty nails which shoot into prominence rather than to shoot back into rusty degeneration. I was a bit disappointed and even surprised to hear my Hon'ble friend Mr. Devassy so vehemently opposing the Bill and trying to make a mountain out of a mole-hill. From my knowledge of my hon'ble friend I cannot for a moment believe that all that he said has come out of his honest belief. I have always known him to be a man endowed with progressive ideas.

Sir, with regard to the arguments he has offered that the Christian fathers are foolish enough to wreak vengeance upon their poor daughters for an act of the Government I can only say this. I do not think that such a contingency will ever happen. If the Government passes an enactment it is not the poor daughter that is to suffer, and I think the Christian fathers are sensible enough to think that their daughters should not be made to suffer for the fault of the Government. I should say that he has brought out this argument in order to frighten this House and exhibit himself as a sympathiser of ladies, and to oppose this Bill under a pretension of supporting the womenfolk of the Christian community. Social laws must be enacted according to the tendency of the community and he says that the tendency of the community as revealed from the opinions received is contrary to the principles of this Bill. I should disillusion this House on this point especially in view of the fact that at a time when the Christian Succession Committee was taking evidence there was a hue and cry made even against giving a one-third share to a daughter. Now my friend will agree with me in the view that the tendency of the community has got itself transformed into thinking that a one-third share is a legitimate share. Now,

*Speech not corrected by the hon'ble member.

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if this Bill is going to be passed into law I would say that in course of time the mentality of the Christian community will get itself so adjusted as to think that the equal share of a son is the legitimate share of a daughter. So I say it is only when this Bill is passed that the tendency will also get itself changed and it is foolish to think that the Bill will have the reverse effect.

Now with regard to the machinery which we set in motion about which my friend Mr. Devassy was arguing vehemently, he thinks that opinions gathered are vehemently against the passing of this Bill. On an analysis of these opinions it will be found that all the opinions that are against the Bill are given by gentlemen rather than ladies and the few ladies, about 11 of them, who have opposed this Bill have only echoed the sentiments and opinions of their husbands because all of them are Mrs., whereas if we come to the opinions which are in favour of the Bill we will find that they are from a number of ladies who are Misses and who whole-heartedly support this Bill. Many of the Ladies' Associations, The Catholic Ladies' Club, the Y. W. C. A., the Catholic Women's Association, have unanimously supported this Bill. Among the Misses a few who have got independent opinions have come forward to say that this is a progressive measure.

Mr. M. K. Devassy *(Adur):* Are their fathers alive?

Mr. M. L. Joseph *(Latin Christians-Cranganur):* There are some of them whose fathers are alive. There are others who live independent of their fathers. For example, you have Miss T. K. Kunjalia, a lady vakil at Ernakulam, Miss Sausa Mathew, Miss C. J. Ache. The only Miss who is opposed to this Bill is only just out of her teens. So I say, in this measure which vitally affects the ladies we have to go by the opinions of the ladies rather than by the opinions of prejudiced gentlemen who are averse to giving anything to their sisters. It is but the natural tendency in human beings to appropriate as much as they can for themselves. Naturally, it is a tendency in man also to feed fat upon others. The tendency being there, it will only be natural that they want to feed fat upon their fathers' property rather than give something to their sisters. It is only the natural inclination in man that has induced him to oppose this measure. Therefore, I say that all right-thinking members of other communities should wholeheartedly support this measure. I wholeheartedly support this Bill.

* മിസ്റ്റർ ബി. എം. പീറർ: ഞാൻ ഈ ബില്ലിനെ ശക്തിയായി എതിർക്കുന്നു. മിസ്റ്റർ മൂത്തേടൻ ഈ ബില്ല് ഒരു സിലക്ട് കമ്മിറ്റിക്കു് അയക്കേണ്ടതാണെ

* Speech not corrected by the hon'ble member.

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ന്നുള്ള ഒരഭിപ്രായം പുറപ്പെടുവിക്കുമെന്നു് ഞാൻ വിചാരിച്ചിരുന്നില്ല. ഈ ബിൽ ആദ്യം ഇവിടെ അവതരിപ്പിച്ച അവസരത്തിൽതന്നെ ക്രസ്ത്യൻ സമുദായത്തിന്റെ അഭിപ്രായം എന്താണെന്നറിയേണ്ടതിലേക്കുവേണ്ടി ധാരാളം സമയം കൊടുത്തു് അവരുടെ സമുദായത്തിന്റെ അഭിപ്രായം നമുക്കു് പൂർണ്ണമായി മനസ്സിലാക്കുവാൻ സാധിച്ചിട്ടുണ്ടു്. ആ അഭിപ്രായങ്ങളും എടുത്തുനോക്കിയാൽ ഈ ബില്ലിനെ അനുകൂലിച്ചു അഭിപ്രായം പറഞ്ഞിട്ടുള്ളവരുടെ സംഖ്യ പതിൻ മാത്രമാണു്. എന്നാൽ പ്രതികൂലിച്ചു് അഭിപ്രായം പറഞ്ഞിട്ടുള്ളവരുടെ എണ്ണം നോക്കുകയാണെങ്കിൽ ഇരുപതിൽ ചിലചാനം വരുന്നുണ്ടു്. ബഹുമാനപ്പെട്ട തോട്ടക്കാരുടെ മെമ്പർ ഇവിടെ പറയുകയുണ്ടായി ഈ ബില്ലിനു് പ്രതികൂലമായി പറഞ്ഞിട്ടുള്ളവരെല്ലാം എന്തോ അവർ വിചാരിച്ച റോഡുപണിക്കുവേണ്ടിയാണെന്നു്.

മിസ്റ്റർ വി. ജെ. മത്തായി: ആയിരിക്കാമെന്നാണു് പറഞ്ഞതു്.

മിസ്റ്റർ ബി. എം. പീറർ: അതാണു് അദ്ദേഹത്തിന്റെ അഭിപ്രായം. ഞാൻ ആ മാന്യസ്നേഹിതനോടു് ചോദിക്കുന്നു, ഇന്നു കൊച്ചി രാജ്യത്തു് ക്രസ്ത്യാനിസമുദായത്തിൽ എന്തെങ്കിലും നിലയും വിലയും ഉള്ള ആളുകൾ ഉണ്ടെങ്കിൽ അവരെല്ലാം ആ ഒരുദ്ദേശത്തോടുകൂടിയാണൊ ഇങ്ങിനെയുള്ള അഭിപ്രായം പുറപ്പെടുവിച്ചിട്ടുള്ളതു് എന്നു്.

മിസ്റ്റർ എം. എൽ. ജോസഫു്: ഈ ബില്ലിനു് എതിരായിട്ടുള്ള മൂന്നാളുകൾ കൂടി കുറെ ഒപ്പു ശേഖരിച്ചു. അതുകൊണ്ടാണു് അവക്കു് കൂടുതൽ അനുകൂലികളുണ്ടായിട്ടുള്ളതു്.

മിസ്റ്റർ ബി. എം. പീറർ: ഈ ബില്ലിനു് എതിരായിട്ടുള്ള ചിലരുടെ പേരു പറയാം. ആദ്യമായിട്ടു റാവു സാഹിബു് സി. വി. ആൻറണി, ബി.എ., ബി.എൽ., തൃശ്ശിവപേരൂർ, അതുപോലെതന്നെ മിസ്റ്റർ തോമസ്സു് മാഞ്ഞൂരാൻ ബി.എ., ബി.എൽ., ഇങ്ങിനെ പടിപ്പടിയായി നോക്കിയാൽ ഇവരെല്ലാം റോഡു പണിക്കുവേണ്ടി ബില്ലിനെ എതിർത്തിട്ടുള്ളവരാണോ? ഇവരുടെ അഭിപ്രായം എന്താണെന്നു് നോക്കുകയാണെങ്കിൽ ഈ സമുദായം എന്താണു് ആവശ്യപ്പെട്ടിട്ടുള്ളതെന്നു് വിശദമായി കാണാം. അതുമാതിരിതന്നെ മിസ്റ്റർ പറമ്പി ലോനപ്പൻ, ബി.എ., ബി.എൽ., മിസ്റ്റർ എം. പി. ചെറിയാൻ, ബി.എ., ബി.എൽ., മുതലായ മാന്യന്മാരും ഈ ബില്ലിനു് എതിരഭിപ്രായമാണു് പറഞ്ഞിട്ടുള്ളതു്.

മിസ്റ്റർ വി. ജെ. മത്തായി: ഒരു ഹർജി കൊടുക്കുമ്പോൾ അതിന്റെ ആദ്യത്തെ കടലാസു് വെളുത്തിരിക്കും.

മിസ്റ്റർ ബി. എം. പീറർ: ഹർജിയുടെ ആദ്യത്തെ കടലാസു് വെളുത്തതാണൊ എന്നല്ല ഈ സംഗതിയിൽ ആലോചിക്കുവാനുള്ളതു്. സമുദായത്തിൽ യോഗ്യതയും വിലയും നിലയുമുള്ള എത്രയെത്ര ആളുകളാണു് ഈ ബില്ലിനു് എതിരഭിപ്രായം പറഞ്ഞിട്ടുള്ളതെന്നു് ഇതിൽ നോക്കിയാൽ ധാരാളം മനസ്സിലാകും. ഇവരിൽ ബി.എ., ബി.എൽ., ബി.എ., എൽ.ടി., ഗ്രാഡുവെറ്റുസു് ആയിട്ടുള്ളവരുടെ കണക്കു് നോക്കിയാൽത്തന്നെ ഏതാണ്ടു് ൨൦൦ പേരോളം വരുന്നുണ്ടു്. ഇത്രത്തോളം വെളിവായി ഇവരുടെ അഭിപ്രായം പുറത്തുവരുവാൻ സാധിച്ചിട്ടുണ്ടെങ്കിൽ പിന്നൊ ക്രസ്ത്യാനി സമുദായത്തിന്റെ മറെറാരഭിപ്രായം എന്താണെന്നു അറിയേണ്ടതായിട്ടുണ്ടോ എന്നാണു് ഞാൻ ചോദിക്കുന്നതു്. പത്തു പന്ത്രണ്ടു് മെമ്പർമാർ ഈ സഭയിലുള്ളവർ ഒരു ബില്ലിനെ പററി പറയുന്ന അഭിപ്രായം സ്വീകരിക്കണൊ, അതോ സമുദായത്തിൽ വിലയും നിലയുമുള്ള പുറത്തുള്ള യോഗ്യന്മാരുടെ അഭിപ്രായം സ്വീകരിക്കണോ ഏതാണു് വേണ്ടതു്? സമുദായത്തിനു് എന്തെങ്കിലും

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ഒരു പരിഷ്കാരം വേണമെന്നു വിചാരിച്ചു് അതു് വേണ്ടത്തക്കതരത്തിൽ നിയമമാക്കിയില്ലെങ്കിൽ തീച്ചയായും ആ സമുദായത്തിനു് നാശമാണെന്നാണു് എന്റെ അഭിപ്രായം.

ഇതിനുംപുറമെ ഈ ബില്ലിന്റെ ആവശ്യകതയെപ്പറ്റി എന്റെ ചില മാന്യ സ്നേഹിതന്മാർ ഇവിടെ പറയുകയുണ്ടായി. അതിനെ മറ്റൊരുതരത്തിൽ ഈ സഭയെ പറഞ്ഞു മനസ്സിലാക്കുവാൻ ഞാൻ വിചാരിക്കുന്നില്ല. ചുരുക്കമായി രണ്ടു് വാക്കുമാത്രമെ എനിക്കു് പറയുവാനുള്ളു. ക്രസ്ത്യാനി സമുദായത്തിൽ ഇന്നു് അവകാശം നിലനിറുത്തപ്പെടുന്നതു് ആൺമക്കളുടെ പേരിലാണു്. തറവാട്ടു് ഭരിക്കുന്നവർ ആൺമക്കളാണു്. അല്ലാതെ പെൺമക്കളല്ല. ആൺമക്കളും പെൺമക്കളും ഒരു പിതാവിന്റേയും ഒരു മാതാവിന്റേയും മക്കളല്ലേ, എന്താണു് അവർ തമ്മിൽ വ്യത്യാസമുള്ളതു് എന്നു് ചോദിക്കുമായിരിക്കാം. എന്നാൽ സമുദായത്തിലെ നടപടിക്രമം നോക്കിയാൽ ഒരു കുടുംബത്തിലെ പ്രായമായ ഒരു സ്ത്രീയെ വിവാഹം കഴിച്ചുകൊടുക്കുമ്പോൾ പിതാവും മാതാവുംകൂടി വലിയൊരു സംഖ്യ സ്ത്രീധനമായി കൊടുക്കുന്നുണ്ടു്. ആൺമക്കളാണെങ്കിൽ പ്രായപൂർത്തിവരുമ്പോൾ പ്രയത്നിച്ചു് കുടുംബസ്വത്തു വർദ്ധിപ്പിക്കുകയാണു് ചെയ്യുന്നതു്.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഒസ്യത്തെഴുതുവാനുള്ള അധികാരം അച്ഛനു് വെച്ചിട്ടില്ലേ?

മിസ്റ്റർ ബി. എം. പീറർ: ഒസ്യത്തെഴുതുവാൻ പാടില്ലെന്നുവെച്ചു് നിയമപ്രകാരം ചെയ്യത്തക്കവണ്ണം നിയമമുണ്ടാക്കിയാൽ മതി.

Mr. M. K. Devassy *(Adur)*: It is opposed to the fundamentals of Christian law.

മിസ്റ്റർ ബി. എം. പീറർ: പെൺകുട്ടിയെ വിവാഹംകഴിച്ചു കൊടുത്താൽ അവൾ അന്യതറവാട്ടിൽ ഭർത്താവിനോടുകൂടി പോയി താമസിക്കും. പിന്നീടു് പിതാവിന്റെ തറവാട്ടിനെ സംബന്ധിച്ചോ അപ്പനെ സംബന്ധിച്ചോ മാതാവിനെ സംബന്ധിച്ചോ യാതൊരു സൂക്ഷ്മതയും അവൾക്കുണ്ടാകയില്ല. അതനുസരിച്ചു അവർ കുടുംബത്തെപ്പറ്റിയുള്ള യാതൊരു അന്വേഷണവും നടത്തുക പതിവില്ല. അതിനുശേഷം മൂത്തമകൻ പിതാവിന്റെ കുടുംബസ്വത്തിൽ ബന്ധപ്പെടുന്നതരത്തിൽ പ്രയത്നിച്ചു് ആ കുടുംബത്തിൽ വലുതായ ഒരു സമ്പാദ്യമുണ്ടാക്കും. അപ്പോൾ പിതാവിന്റെ മാത്രമല്ല ആൺമക്കളുടെ സമ്പാദ്യവുംകൂടി ആ കുടുംബത്തിലുണ്ടായിരിക്കും. അങ്ങിനെയുള്ള സമ്പാദ്യത്തിന്റെ ഒരോഹരി പുറത്തുപോയി ഭർത്താവുമായി സുഖിച്ചുവാഴുന്ന ഒരു സ്ത്രീക്കു് കൊടുക്കണമെന്നാണോ പറയുന്നതു്? പിന്നെ മകന്റെ ഓഹരി അതുപോലെ ഇങ്ങോട്ടും കിട്ടുകയില്ലേ എന്നു് ചോദിക്കുമായിരിക്കാം.

മിസ്സിസ്സ് തങ്കമ്മ എൻ. മേനോൻ: അതു് മാത്രമല്ല, അമ്മയുടെ സ്വത്തിൽ പെൺമക്കൾക്കു അവകാശം കൊടുക്കേണ്ടതല്ലേ?

മിസ്റ്റർ ബി. എം. പീറർ: അമ്മയുടെ സ്വത്തോ അവരുടെ വകയായിട്ടുള്ള ഭൂസ്വത്തോ ആഭരണങ്ങളോ മുഴുവനുംതന്നെ കൊടുത്തുകൊള്ളട്ടെ. എന്നാൽ ആൺമക്കളുംകൂടി ചേർന്നു പ്രയത്നിച്ചു് വലുതായ സമ്പാദ്യം കുടുംബത്തിലേക്കുണ്ടാക്കിയിട്ടുള്ളതിൽനിന്നു് അന്യകുടുംബത്തിൽപോയി താമസിക്കുന്ന ഒരു പെൺകുട്ടിക്കു കൊടുക്കണമെന്നു പറയുന്നതു് ശരിയല്ല: അതുകൊണ്ടു് ഈ ബിൽ സിലക്ട് കമ്മിറ്റിക്കയച്ചു് ഗവൺമെണ്ടിന്റെ ഭണ്ഡാരത്തിൽ ഉള്ള പണമെടുത്തു വെറുതെ

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ഇതിലേക്ക് ചിലവാക്കരുതെന്നാണ് എന്റെ അഭിപ്രായം. ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു.

*മിസ്റ്റർ ടി. കെ. നായർ : ഈ ബില്ലിനെപ്പറ്റി ഞാനും രണ്ടു വാക്കു പറഞ്ഞേക്കാം. ഇതരസമുദായങ്ങളിൽ പെട്ടിട്ടുള്ള യാതൊരാൾക്കും ഇതിൽ ഒരഭിപ്രായം പറയുന്നതിന്നവസരം കിട്ടും, അതിനു വകയുണ്ടെന്നാണ് എന്റെ വിശ്വാസം. എന്റെ അഭിപ്രായം ആദ്യംമുതൽക്കുതന്നെ വെളിവായിട്ടുള്ള ഒരഭിപ്രായമാണ്.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ : എല്ലാവർക്കുമുണ്ട്, വെളിവായ അഭിപ്രായം നിങ്ങൾക്കുമാത്രമല്ല.

മിസ്റ്റർ ടി. കെ. നായർ : എന്റെ അഭിപ്രായം വെളിവായി പറയുന്നതിനുള്ള സ്വാതന്ത്ര്യം എനിക്കുണ്ടെന്നാണ് ഞാൻ വിചാരിക്കുന്നതു്. ചിറ്റൂർ മെമ്പരുടെ അഭിപ്രായമല്ല ഞാൻ പറയുന്നതു്. ഞാൻ പറയുന്നതു് എന്റെ അഭിപ്രായം. ആ അഭിപ്രായം പറയുവാനുള്ള സ്വാതന്ത്ര്യം എനിക്കുണ്ടെന്നാണ് എന്റെ ബോദ്ധ്യം. ഞാൻ വേറൊരാളെയും റപ്രസെന്റ് ചെയ്തുകൊണ്ട് പറയുന്ന അഭിപ്രായമല്ല.

നമ്മുടെ നിയമസഭ ഈവക സംഗതികളിൽ ഇന്നേവരേയും എന്തൊരു നയമാണ് അനുഷ്ഠിച്ചിട്ടുള്ളതെന്നാലോചിക്കണം (ഹിയർ, ഹിയർ). ഈവക സ്വത്തു് ന്യായങ്ങളോടും കൂടി നാം ഇവിടെ പാസ്സാക്കിയ നമ്പൂതിരി ബില്ലിന്റെ കാര്യത്തിൽ അങ്ങോട്ടുമിങ്ങോട്ടും എത്ര തിരുമറികൾ എത്രപ്രാവശ്യം കഴിക്കേണ്ടിവന്നിട്ടുണ്ടെന്നുള്ളതിനെക്കുറിച്ചാലോചിക്കണം. മിസ്റ്റർ ഈച്ചരമേനോൻതന്നെ നമ്പൂതിരിബിൽ ഇവിടെ അവതരിപ്പിച്ചിട്ടുണ്ട്. അതിന്നു വളരെ എതിരുകളും ഉണ്ടായിട്ടുണ്ട്. എന്നിട്ട് എന്തുകൊണ്ട് അതു് പാസാക്കിക്കൊടുത്തു; അന്യായമുണ്ട് ആ സമുദായത്തിൽ എന്നു കണ്ടതുകൊണ്ട്. ഒരു സമുദായത്തിൽ അന്യായം നടക്കുന്നുണ്ടെന്നു കണ്ടാൽ എത്രമാത്രം ഭൂരിപക്ഷമുണ്ടെങ്കിലും ഇല്ലെങ്കിലും ഈ നിയമസഭ ന്യായാനുസരണം ഇറങ്ങി ആ അന്യായത്തെ നിവൃത്തണം. ആ ഒരു തത്വം ഇന്നേവരേയ്ക്കും നാം വകവെച്ചുകൊടുത്തിട്ടുണ്ട്. ഇതു് ഒന്നാമത്തെ സംഗതി.

ഇനി രണ്ടാമതായിട്ട് നായർ റഗ്ലേഷൻ ബിൽ വന്നപ്പോൾ ഇവിടെ ഈ തത്വം തന്നെ നാം സ്വീകരിച്ചു. ഈ നിയമസഭയിൽ മെമ്പറായിരുന്ന മിസ്റ്റർ കുമാരനെഴുത്തശ്ശൻ എഴുത്തശ്ശൻ ബിൽ ഇവിടെ അവതരിപ്പിച്ച അവസരത്തിൽ, അവരുടെ സമുദായത്തിലെ സ്ത്രീകൾക്കു യാതൊരു സ്വാതന്ത്ര്യവും അവകാശവുമില്ലെന്നു വാദിച്ച അവസരത്തിൽ, ഒന്നുമില്ലാത്തതിന്നു പകരമെങ്കിലും കൊടുക്കേണ്ടതാണെന്നു ഈ സഭ പാസ്സാക്കി കൊടുത്തു. തീയ്യ ബില്ലിനും അതേതരത്തിൽതന്നെ സ്ത്രീകൾക്കു അവകാശം കൊടുക്കേണ്ട വകുപ്പ് ഈ നിയമസഭ പാസ്സാക്കിക്കൊടുത്തു. ഇതിന്റെയൊക്കെ അവസാനഗതിയെന്താണെന്നുള്ളതിനെപ്പറ്റി എനിക്കാലോചിക്കേണ്ട ചുമതലയില്ല. ഇവിടെ ആലോചിക്കേണ്ടതു് ഒന്നുമാത്രമേയുള്ളു. ഇതേവരെ ഈ സഭ ചെയ്തതു ന്യായമാണൊ എന്നു മാത്രം ആലോചിക്കണം. അതേ ന്യായത്തെ അടിസ്ഥാനപ്പെടുത്തിയാണ് ഞാൻ ഈ ബില്ലിനെ സപ്പോർട്ടുചെയ്യുന്നതു് (ഹിയർ, ഹിയർ). പുരുഷനോടൊപ്പം സ്ത്രീക്കും മുതലിൽ സ്വാതന്ത്ര്യം വേണം. അതുകൊണ്ട് ധൈര്യത്തോടുകൂടിത്തന്നെയാണ് ഞാനിതിനെ സപ്പോർട്ടുചെയ്യുന്നതു്. ഏതു തത്വം വെച്ചുകൊണ്ട് ഈ മാതിരിയുള്ള വകുപ്പ് മറ്റുള്ള ബില്ലുകളെ സംബന്ധിച്ചിടത്തോളം ഈ നിയമസഭ പാ

*Speech not corrected by the hon'ble member.

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സ്സാക്കിക്കൊട്ടത്തുവോ അതേ തത്വത്തിന്മേൽ ഇതും പാസ്സാക്കിക്കൊട്ടക്കേണ്ട ഭാരം ഈ നിയമസഭതന്നെയാണു് വഹിയ്ക്കുന്നതു്. ചൈൽഡ് മാരീജ് റസ്ട്രെയിൻറ് ബിൽ ഇവിടെ അവതരിപ്പിച്ച അവസരത്തിൽ എത്രയോ ഗംഭീരമായ വാദപ്രതിവാദങ്ങളും പ്രതിബന്ധങ്ങളുമെല്ലാമുണ്ടായിട്ടും വലിയൊരു അന്യായമാണു് സമുദായത്തിൽ നടക്കുന്നതെന്ന പൂർണ്ണബോദ്ധ്യം ഗവമ്മെണ്ടിനും ഈ നിയമസഭക്കും വരികയാൽ അതിവിടെ പാസ്സാക്കിക്കൊട്ടത്തു.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: ഗവമ്മെണ്ടിനു ബോദ്ധ്യം വന്നിട്ടില്ല. അതു പാസ്സാക്കിയവക്കു ബോദ്ധ്യം വന്നിരിക്കാം.

മിസ്റ്റർ ടി. കെ. നായർ: സ്ത്രീസമുദായത്തിൽ പ്രത്യേകിച്ചും ബ്രാഹ്മണസ്ത്രീസമുദായത്തിൽനിന്നും പ്രാതിനിദ്ധ്യം വഹിക്കുവാൻ ആരും ഉണ്ടായിരുന്നില്ല ഈ നിയമസഭയിൽ. ആ ബില്ലിനെ മുഴുവൻ എതുത്തുകൊണ്ടു് തെളിവുതരുവാനുള്ള ആളുകളുണ്ടായിരുന്നിട്ടും അതൊന്നുമാലോചിക്കാതെ സമുദായത്തിനുള്ളിൽ അന്യായമാണു് നടക്കുന്നതെന്നു കണ്ടതിനാൽ ഈ നിയമസഭ ഇറങ്ങി അതിനെ നേരെയാക്കിക്കൊട്ടത്തു. അതുപോലെ തന്നെ എന്റെ സ്വന്തം നിലയിലും എന്റെ സ്വാതന്ത്ര്യം മാത്രം ഉപയോഗിച്ചുകൊണ്ടും എനിക്കു ക്രിസ്ത്യാനി സമുദായത്തിൽ പെടാത്ത ഈ സഭയിലെ ഇതരമെമ്പർമാരോടപേക്ഷിക്കുവാനുള്ളതു് ഇതുവരെ നിങ്ങൾ എടുത്ത നയം തന്നെ ഈ ബില്ലിന്റെ കാര്യത്തിലും എടുക്കണമെന്നാണു് (ഹിയർ, ഹിയർ). സ്ത്രീകൾക്കു സമ്മതം കൊടുക്കണോ വേണ്ടയൊ എന്നുള്ള കാര്യത്തിൽ മൂന്നിലൊന്നോ, നാലിലൊന്നോ, മൂന്നിൽ രണ്ടോ എന്നുള്ളതെല്ലാം വിട്ടിട്ടു് പകുതിയാണെങ്കിലും നിങ്ങൾ സമ്മതിച്ചുകൊടുക്കണം.

മിസ്റ്റർ സി. ആർ. ഇയ്യുണ്ണി: മൂന്നിലൊന്നുകൊടുക്കുന്നതിന്റെ ഗുണം ആവക്കു മനസ്സിലായില്ലെങ്കിൽ സമം തന്നെ വേണമെന്നുപറയും.

മിസ്റ്റർ ടി. കെ. നായർ: നിങ്ങൾ സഹോദരത്തോടുകൂടി മുമ്പോട്ടുപോകുന്ന പക്ഷം കുറച്ചുകാലത്തേക്കുകൂടി സഹോദരത്തോടുകൂടി പെരുമാറുവാൻ നിങ്ങൾക്കു ഞങ്ങൾ വഴിവെച്ചുതരാം. മൂന്നിലൊന്നു വിട്ടു കുറച്ചുകൂടി മുമ്പോട്ടു്/ഫ-ലേക്കു വരുവാൻ ന്യായമായി നിങ്ങൾ തയ്യാറാണെങ്കിൽ അതു നല്ലതാണെന്നു ഞാൻ എന്റെ ഉദ്ദേശപരിധിയിൽ ധരിച്ചുകൊണ്ടു് സന്തോഷത്തോടുകൂടി അതിനെ സപ്പോർട്ടുചെയ്യാം. തീച്ചയായും നിങ്ങൾ സമതത്തിൽ വരുന്ന പക്ഷം എനിക്കു ധൈര്യമായി സപ്പോർട്ടുചെയ്യുവാൻ സന്തോഷമുണ്ടു്. എന്റെ ന്യായം പുതിയതല്ല. ഞാൻ ഈ ന്യായം വെച്ചുകൊണ്ടുതന്നെയാണു് ഈഴവസമുദായത്തിൽനിന്നും, എഴുത്തശ്ശൻ സമുദായത്തിൽനിന്നും ഇവിടെ അവതരിപ്പിച്ച ബില്ലുകളെ സപ്പോർട്ടുചെയ്തതു്.

Mr. M. K. Devassy *(Adur)*: In the case of the Ezhuthassan Bill and the Nambudiri Bill there was no divergence of opinion in the community in this House. It was a measure brought unanimously from the community with the support of the community.

മിസ്റ്റർ ടി. കെ. നായർ: ഈഴവബില്ലിനും ധാരാളം എതിരുണ്ടായിരുന്നു. എഴുത്തശ്ശൻ ബില്ലിനും നെമ്മാറയെ ബില്ലിന്റെ പരിധിയിൽനിന്നും വിട്ടുതരണമെന്നാവശ്യപ്പെട്ടുകയുണ്ടായി. ഈ രാജ്യത്തെ പണമുള്ള ആളുകളും മുഴുവനും ആ ബില്ലിനെ എതുത്തിട്ടുണ്ടു്.

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Dr. A. R. Menon *(Minister for Rural Development):* The majority view of those communities was in favour of the measure.

മിസ്റ്റർ ടി. കെ. നായർ: പണമുള്ളവരൊക്കെ ആ ബില്ലിനെതിരായിരുന്നു.

ഡാക്ടർ എ. ആർ. മേനോൻ: അതു ശരിയാണു്.

Mr. M. K. Devassy *(Adur):* For the Nambudiri Bill there was no opposition in this Council.

When that Bill was taken into consideration it was definitely said the Council will not interfere with regard to questions of property and in allied matters. As the Child Marriage Bill involved questions of hygene and public health, this House intervened.

Dr. A. R. Menon *(Minister for Rural Development):* With regard to the Child Marriage Restraint Bill, I believe, the Deputy President raised a point that where the majority of the community takes a view we should support them. We took a different view. Where questions of property come up we are willing to agree. When questions of public morality come up we will interfere.

Mr. M. K. Devassy *(Adur):* That analogy is not applicable here.

മിസ്റ്റർ ടി. കെ. നായർ: ഞാൻ വേറൊന്നു പറയാം. ക്രസ്ത്യാനികളിൽനിന്നുതന്നെ ഈഴവബില്ലിനു ബലമായ എതിരുണ്ടായിരുന്നു. അതു ബഹുമാനപ്പെട്ട ഡെപ്യൂട്ടിപ്രസിഡണ്ടവർകൾക്കുതന്നെ അറിയാവുന്ന സംഗതിയാണു്. എഴുത്തച്ഛൻ ബില്ലിനും ധാരാളമായി എതിരുകളുണ്ടായിരുന്നുവെന്നതു പ്രത്യക്ഷമായ വിഷയമാണു്.

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Have not the various ladies associations supported this measure?

മിസ്റ്റർ ടി. കെ. നായർ: ഈ എറണാകുളത്തുള്ള മൂന്നു അസോസിയേഷൻസ്സിലും കൂടി ആകെ എത്ര അംഗങ്ങളുണ്ടെന്നുള്ളതിന്റെ ഒരു കണക്കെടുത്തു് എന്റെ അടുത്തു കൊണ്ടുവരുന്ന പക്ഷം ഞാനതിനു മറുപടി പറയാം.

The House rose for the day at 5 p.m.

C. J. MATHEW
Secretary to the Council

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